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DOCKET NO. P04931 (NATI15-04931)

U.S. SERIAL NO. 09/810,746

PATENT

REMARKS

Claims 2, 4-6, 50-60, 70, 71 and 74-76 are pending in this application.

Claims 2, 4-6, 50-60, 70, 71 and 74-76 have been rejected.

Claims 74-76 are objected to.

Claims 74-76 have been amended as shown above.

Reconsideration and full allowance of Claims 2, 4-6, 50-60, 70, 71, and 74-76 are respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 112 AND CLAIM OBJECTIONS

The Office Action objects to Claims 74-76, and rejects the same under 35 U.S.C. § 112, second paragraph, as being indefinite, incomplete, and of improper form.

The Applicants have amended Claims 74-76 to properly depend from independent Claim 2.

As amended, Claims 74-76 overcome the cited objections and rejections. Applicants respectfully request reconsideration and withdrawal of the objections and rejections.

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II. REJECTIONS UNDER 35 U.S.C. § 102

The Office Action rejects Claims 2, 4, 50-54, 70, and 71 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,339,443 to Lockwood ("*Lockwood*"). The Applicants respectfully traverse this rejection, and the Examiner's interpretation of the Lockwood reference.

a. Claim 2

Claim 2 requires a "system for allowing shared access by at least two processors including *an embedded controller* and a host processor." (Emphasis added).

Applicant respectfully submits that the Lockwood reference does not explicitly disclose or teach an **embedded controller** and a host processor.

The Examiner seems to suggest that a vague allusion to "different well-known processors" (Col. 4, line 22) somehow satisfies – for the purposes of § 102(b) – the disclosure or teaching of "an embedded controller" as required by Claim 2. Applicants respectfully traverse this supposition.

Applicants respectfully request that the Examiner cite a reference establishing that "different well-known processors" discloses or teaches "an embedded controller."

Applicants submit that the Lockwood reference does not explicitly disclose or teach an **embedded controller** and a host processor, as required by Claim 2. Claim 2

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overcomes the § 102(b) rejection.

Applicants respectfully request reconsideration and allowance of Claim 2.

b. Claim 4

Applicants respectfully traverse the Examiner's postulations regarding the interpretation of the Lockwood reference.

Claim 4 depends from allowable Claim 2 and provides further limitations not disclosed or taught in the cited reference.

Claim 4 is allowable. Applicants request reconsideration and allowance of Claim 4.

c. Claim 50

Claim 50 requires a "method for allowing shared access to at least two modules by at least two processors including *an embedded controller* and a host processor." (Emphasis added).

Applicant respectfully submits that the Lockwood reference does not explicitly disclose or teach an **embedded controller** and a host processor.

As previously noted, the Examiner seems to suggest that a vague allusion to "different well-known processors" (Col. 4, line 22) somehow satisfies – for the purposes of § 102(b) – the disclosure or teaching of "an embedded controller" as

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required by Claim 50. Applicants respectfully traverse this supposition.

Applicants respectfully request that the Examiner cite a reference establishing that "different well-known processors" discloses or teaches "an embedded controller."

Applicants submit that the Lockwood reference does not explicitly disclose or teach an embedded controller and a host processor, as required by Claim 50. Claim 50 overcomes the § 102(b) rejection.

Applicants respectfully request reconsideration and allowance of Claim 50.

d. Claims 51 and 52

Applicants respectfully traverse the Examiner's postulations regarding the interpretation of the Lockwood reference.

Claims 51 and 52 depend from allowable Claim 50 and provides further limitations not disclosed or taught in the cited reference.

Claims 51 and 52 are allowable. Applicants request reconsideration and allowance of Claims 51 and 52.

e. Claim 53

Claim 53 requires a "method for allowing a processor comprising *an embedded controller* to access at least two modules affiliated with a device."

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(Emphasis added).

Applicant respectfully submits that the Lockwood reference does not explicitly disclose or teach an **embedded controller**.

As previously noted, the Examiner seems to suggest that a vague allusion to "different well-known processors" (Col. 4, line 22) somehow satisfies – for the purposes of § 102(b) – the disclosure or teaching of "an embedded controller" as required by Claim 50. Applicants respectfully traverse this supposition.

Applicants respectfully request that the Examiner cite a reference establishing that "different well-known processors" discloses or teaches "an embedded controller."

Applicants submit that the Lockwood reference does not explicitly disclose or teach an **embedded controller**, as required by Claim 53.

Further, Claim 53 requires a "indicating a location for accessing, within said indicated **one of the modules**." (Emphasis added).

Notwithstanding the Examiner's general reference, Applicants find no explicit disclosure or teaching of "indicating a location for accessing, within said indicated one of the modules" in the Lockwood reference.

Applicants respectfully request that the Examiner specifically cite where and how the Lockwood reference discloses "indicating a location for accessing, within said indicated one of the modules", as required by Claim 53.

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Additionally, Claim 53 requires a “transferring data between said indicated location and the embedded controller.” (Emphasis added).

Again, despite the Examiner’s general reference, Applicants find no explicit disclosure or teaching of “transferring data between said indicated location and the embedded controller” in the Lockwood reference. Indeed, Applicants find no explicit disclosure or teaching of either, much less disclosure or teaching of transferring data between them.

Applicants respectfully request that the Examiner specifically cite where and how the Lockwood reference discloses “transferring data between said indicated location and the embedded controller”, as required by Claim 53.

Applicants respectfully submit that Claim 53 overcomes the § 102(b) rejection.

Applicants respectfully request reconsideration and allowance of Claim 53.

f. Claim 54

Applicants respectfully traverse the Examiner’s postulations regarding the interpretation of the Lockwood reference.

Claim 54 depends from allowable Claim 53 and provides, at least, claim differentiation.

Claim 54 is allowable. Applicants request reconsideration and allowance of

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Claim 54.

g. Claim 70

Applicants respectfully traverse the Examiner's postulations regarding the interpretation of the Lockwood reference.

Claim 70 depends from allowable Claim 4 and provides, at least, claim differentiation.

Claim 70 is allowable. Applicants request reconsideration and allowance of Claim 70.

h. Claim 71

Applicants respectfully traverse the Examiner's postulations regarding the interpretation of the Lockwood reference.

Claim 71 depends from allowable Claim 50 and provides, at least, claim differentiation.

Claim 71 is allowable. Applicants request reconsideration and allowance of Claim 71.

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III. FIRST REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 2, 4-6, and 50-60 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,260,098 to Ku ("Ku") in view of U.S. Patent No. 5,214,778 to Glider et al. ("*Glider*").

The Applicants respectfully traverse this rejection, and the Examiner's interpretation of the Ku and Glider references.

The Applicants further object to the reliance upon the Ku reference as improper, since Ku is not a valid prior art reference. The Ku patent issued on July 10, 2001, four months after the present application was filed. The Ku reference would not have been available to one of ordinary skill in the art at the time the present invention was conceived. Applicants respectfully request withdrawal of all rejections based on the Ku reference.

Such objections notwithstanding, Applicants respectfully traverse the Examiner's speculative hindsight combination of the Ku and Glider references. Applicants respectfully submit that there is no teaching or motivation in either reference to suggest the speculative and highly selective combinations of discrete elements suggested by the Examiner.

a. Claim 2

Claim 2 requires "a transaction control, wherein the embedded controller is capable of providing an indication of which of the modules to access to the

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transaction control.” (Emphasis added).

Applicant respectfully submits that the Ku reference does not disclose, teach or suggest an embedded controller capable of providing an indication of which of modules to access to the transaction control.

The Examiner suggests that Ku teaches service processor 620 as an embedded controller. In order to reconstruct the limitation of claim 2, however, the Examiner then suggests that shared peripheral controller 100 – not service processor 620 – is “capable of providing an indication of which of the modules to access said transaction control.”

Applicants respectfully submit that the Examiner’s own citations not only show that Ku does not teach the required claim limitation, but also show that Ku teaches away from the required claim limitation.

The Examiner also admits the deficiencies of Ku to disclose “the system and method, where the system includes at least one block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules.”

Applicants agree.

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Applicants further submit that Ku contains no disclosure or suggestion of why such requirements might be necessary or desirable.

Nonetheless, the Examiner suggests that the Glider reference discloses a system that "includes at least one access block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules" and then argues that "it would have been obvious to one of ordinary skill in the art to combine Glider with Ku. The suggestion or motivation for doing so would have been to allow for real time sharing of resources without disrupting services provided by the system."

Applicants respectfully but vigorously disagree.

Applicants can find no teaching or disclosure within the Ku reference of real time sharing of resources or disruptions resulting therefrom.

Thus, to modify the Ku reference by the Glider reference as the Examiner has suggested, one of ordinary skill in the art would have to: 1) read the Ku reference and, finding no teaching or disclosure of real time sharing of resources or disruptions resulting therefrom, spontaneously assume that such issues were nonetheless important to address; 2) spontaneously assume that the best mechanism to address this issue is an access block bit controlled by one of the processors for blocking access by another of the processors to a module; 3) seek out and find the Glider reference; 4) selectively cull from the Glider reference only the concept of an access

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block bit controlled by one of the processors for blocking access by another of the processors to a module, disregarding all of Glider's other structure and operation; and
5) successfully modify the Ku architecture and operations to incorporate a discrete portion of the Glider architecture.

Applicants respectfully submit that there is no teaching or suggestion in either Ku or Glider to suggest or motivate such a highly selective and speculative modification of Ku.

Claim 2 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 2.

b. Claims 4-6

Applicants respectfully traverse the Examiner's interpretations of the Ku and Glider references.

Claims 4-6 depend from allowable Claim 2 and provide further limitations distinguishing over the cited references.

Claims 4-6 are allowable. Applicants request reconsideration and allowance of Claims 4-6.

c. Claim 50

Claim 50 requires a "method for allowing shared access to at least two

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modules by at least two processors including an embedded controller.” (Emphasis added).

Applicant respectfully submits that the Ku reference does not disclose, teach or suggest access to at least two modules by an embedded controller.

The Examiner suggests that Ku teaches service processor 620 as an embedded controller. Even if such a suggestion is accurate, Ku does not teach or suggest access to at least two modules by service processor 620.

Applicants respectfully submit that there is no teaching or suggestion in Ku sufficient to motivate one of ordinary skill to spontaneously assume the desirability of such architecture; and then speculatively seek out, selectively cull from, and successfully integrate only discrete features of, the Glider reference. Even if such a highly speculative and selective modification is performed, the end result would still not provide the required structure or operation.

Claim 50 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 50.

d. Claims 51-52

Applicants respectfully traverse the Examiner’s interpretations of the Ku and Glider references.

Claims 51-52 depend from allowable Claim 50 and provide further

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limitations distinguishing over the cited references.

Claims 51-52 are allowable. Applicants request reconsideration and allowance of Claims 51-52.

e. Claim 53

Claim 53 requires a "method for allowing a processor comprising an embedded controller to access at least two modules affiliated with a device." (Emphasis added).

Applicant respectfully submits that the Ku reference does not disclose, teach or suggest allowing a processor comprising an embedded controller to access at least two modules.

The Examiner suggests that Ku teaches service processor 620 as an embedded controller. Even if such a suggestion is accurate, Ku does not teach or suggest access to at least two modules by service processor 620.

Applicants respectfully submit that there is no teaching or suggestion in Ku sufficient to motivate one of ordinary skill to spontaneously assume the desirability of such architecture; and then speculatively seek out, selectively cull from, and successfully integrate only discrete features of, the Glider reference. Even if such a highly speculative and selective modification is performed, the end result would still not provide the required structure or operation.

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Claim 53 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 53.

f. Claims 54-60

Applicants respectfully traverse the Examiner's interpretations of the Ku and Glider references.

Claims 54-60 depend from allowable Claim 53 and provide further limitations distinguishing over the cited references.

Claims 54-60 are allowable. Applicants request reconsideration and allowance of Claims 54-60.

IV. SECOND REJECTION UNDER 35 U.S.C. § 103

The Office Action also rejects Claims 2, 4-6, 50-60, 70, 71 and 74 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0129184 to Watanabe ("*Watanabe*") in view of *Glider*.

The Applicants respectfully traverse this rejection, and the Examiner's interpretation of the Watanabe application and Glider references.

The Applicants further object to the rejection based upon the Watanabe application as

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improper; since Watanabe is not a valid prior art reference.

The Watanabe application was filed March 8, 2001. The present application was filed March 16, 2001. The Watanabe application would not have been available to one of ordinary skill in the art at the time the present invention was conceived. Applicants respectfully request withdrawal of all rejections based on the Watanabe application.

Such objections notwithstanding, Applicants respectfully traverse the Examiner's speculative hindsight combination of the Watanabe application and Glider reference. Applicants respectfully submit that there is no teaching or motivation in either reference to suggest the speculative and highly selective combinations of discrete elements suggested by the Examiner.

a. Claim 2

Claim 2 requires "at least one access block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules, wherein the at least one access block bit is capable of enabling at least one of the modules." (Emphasis added).

Applicants respectfully submit that the Watanabe application reference does not disclose, teach or suggest an access block bit controlled by one processor for blocking access by another processor.

The Examiner concedes this deficiency of the Watanabe application,

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admitting that Watanabe fails to disclose "the system and method, where the system includes at least one block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules."

Applicants agree.

Applicants further submit that Watanabe contains no disclosure or suggestion of why such requirements might be necessary or desirable.

Nonetheless, the Examiner suggests that the Glider reference discloses a system that "includes at least one access block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules" and then argues that "it would have been obvious to one of ordinary skill in the art to combine Glider with Watanabe. The suggestion or motivation for doing so would have been to allow for real time sharing of resources without disrupting services provided by the system."

Applicants respectfully but vigorously disagree.

Applicants can find no teaching or disclosure within the Watanabe application of real time sharing of resources or disruptions resulting therefrom.

Thus, to modify Watanabe by Glider as the Examiner has suggested, one of ordinary skill in the art would have to: 1) read Watanabe and, finding no teaching or disclosure of real time sharing of resources or disruptions resulting therefrom,

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spontaneously assume that such issues were nonetheless important to address; 2) spontaneously assume that the best mechanism to address this issue is an access block bit controlled by one of the processors for blocking access by another of the processors to a module; 3) seek out and find the Glider reference; 4) selectively cull from the Glider reference only the concept of an access block bit controlled by one of the processors for blocking access by another of the processors to a module, disregarding all of Glider's other structure and operation; and 5) successfully modify the Watanabe bus arbitration architecture and operations to incorporate a discrete portion of the Glider architecture.

Applicants respectfully submit that there is no teaching or suggestion in either Watanabe or Glider to suggest or motivate such a highly selective and speculative modification of Watanabe.

Claim 2 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 2.

b. Claims 4-6

Applicants respectfully traverse the Examiner's interpretations of the Watanabe and Glider references.

Claims 4-6 depend from allowable Claim 2 and provide further limitations distinguishing over the cited references.

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Claims 4-6 are allowable. Applicants request reconsideration and allowance of Claims 4-6.

c. Claim 50

Claim 50 requires a "wherein arbitrating between the processors comprises allowing one of the processors to control at least one access block bit, the at least one access block bit capable of blocking access by another of the processors to at least one of the modules." (Emphasis added).

Applicants respectfully submit that the Watanabe application reference does not disclose, teach or suggest an access block bit controlled by one processor for blocking access by another processor.

The Examiner concedes this deficiency of the Watanabe application, admitting that Watanabe fails to disclose "the system and method, where the system includes at least one block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules."

Applicants agree.

Applicants further submit that Watanabe contains no disclosure or suggestion of why such requirements might be necessary or desirable.

Nonetheless, the Examiner suggests that the Glider reference discloses a

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system that "includes at least one access block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules" and then argues that "it would have been obvious to one of ordinary skill in the art to combine Glider with Watanabe. The suggestion or motivation for doing so would have been to allow for real time sharing of resources without disrupting services provided by the system."

Applicants respectfully but vigorously disagree.

Applicants can find no teaching or disclosure within the Watanabe application of real time sharing of resources or disruptions resulting therefrom.

Applicants respectfully submit that there is no teaching or suggestion in Watanabe sufficient to motivate one of ordinary skill to spontaneously assume the desirability of such architecture; and then speculatively seek out, selectively cull from, and successfully integrate only discrete features of, the Glider reference. Even if such a highly speculative and selective modification is performed, the end result would still not provide the required structure or operation.

Claim 50 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 50.

d. Claims 51-52

Applicants respectfully traverse the Examiner's interpretations of the

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Watanabe and Glider references.

Claims 51-52 depend from allowable Claim 50 and provide further limitations distinguishing over the cited references.

Claims 51-52 are allowable. Applicants request reconsideration and allowance of Claims 51-52.

e. Claim 53

Claim 53 requires a "setting at least one access block bit to block access by another processor to at least one of the modules." (Emphasis added).

Applicants respectfully submit that the Watanabe application reference does not disclose, teach or suggest an access block bit for blocking access by another processor.

The Examiner concedes this deficiency of the Watanabe application, admitting that Watanabe fails to disclose "the system and method, where the system includes at least one block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules."

Applicants agree.

Applicants further submit that Watanabe contains no disclosure or suggestion of why such requirements might be necessary or desirable.

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Nonetheless, the Examiner suggests that the Glider reference discloses a system that "includes at least one access block bit controlled by one of the processors for blocking access by another of the processors to at least one of the modules" and then argues that "it would have been obvious to one of ordinary skill in the art to combine Glider with Watanabe. The suggestion or motivation for doing so would have been to allow for real time sharing of resources without disrupting services provided by the system."

Applicants respectfully but vigorously disagree.

Applicants can find no teaching or disclosure within the Watanabe application of real time sharing of resources or disruptions resulting therefrom.

Applicants respectfully submit that there is no teaching or suggestion in Watanabe sufficient to motivate one of ordinary skill to spontaneously assume the desirability of such architecture; and then speculatively seek out, selectively cull from, and successfully integrate only discrete features of, the Glider reference. Even if such a highly speculative and selective modification is performed, the end result would still not provide the required structure or operation.

Claim 53 overcomes the § 103(a) rejection.

Applicants respectfully request reconsideration and allowance of Claim 53.

f. Claims 54-60

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Applicants respectfully traverse the Examiner's interpretations of the Watanabe and Glider references.

Claims 54-60 depend from allowable Claim 53 and provide further limitations distinguishing over the cited references.

Claims 54-60 are allowable. Applicants request reconsideration and allowance of Claims 54-60.

g. Claim 70

Applicants respectfully traverse the Examiner's interpretations of the Watanabe and Glider references.

Claim 70 depends from allowable Claim 4 and provides, at least, claim differentiation.

Claim 70 is allowable. Applicants request reconsideration and allowance of Claim 70.

h. Claim 71

Applicants respectfully traverse the Examiner's interpretations of the Watanabe and Glider references.

Claim 71 depends from allowable Claim 50 and provides, at least, claim differentiation.

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Claim 71 is allowable. Applicants request reconsideration and allowance of Claim 71.

i. Claim 74

Applicants respectfully traverse the Examiner's interpretations of the Watanabe and Glider references.

Claim 74 depends from allowable Claim 2 and provides, at least, claim differentiation.

Claim 74 is allowable. Applicants request reconsideration and allowance of Claim 74.

In light of the foregoing, Applicants respectfully submit that Claims 2, 4-6, 50-60, 70, 71 and 74-76 are in allowable form, and request reconsideration and withdrawal of the cited objections and rejections.

V. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

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SUMMARY

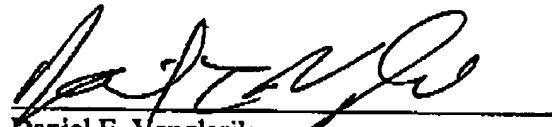
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 9-26-05


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